

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
Acacia National Mortgage Corporation;) MUR 5103
Gerald Youhanaie;)
Anthony "Todd" Banasack;)
j2 Global Communications, Inc.)

CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on October 15, 2003, do hereby certify that the Commission took the following actions with respect to MUR 5103:

A. Decided by a vote of 6-0 to:

1. Find reason to believe that Anthony "Todd" Banasack violated 2 U.S.C. § 441d(a).
2. Approve the Factual and Legal Analysis, as recommended in the General Counsel's Report dated October 3, 2003.
3. Approve the subpoenas to produce documents and orders to submit written answers to Anthony "Todd" Banasack and j2 Global Communications, Inc., as recommended in the General Counsel's Report dated October 3, 2003.
4. Approve the subpoenas to produce documents to AOL and Focal Communications Corporation of Illinois, as recommended in the General Counsel's Report dated October 3, 2003.

(continued)

5. Approve the deposition subpoena to Anthony "Todd" Banasack, as recommended in the General Counsel's Report dated October 3, 2003.
6. Approve the appropriate letters.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted affirmatively for the decision.

B. Failed by a vote of 2-4 to pass a motion to:

Find reason to believe that Anthony "Todd" Banasack violated 2 U.S.C. § 441h and authorize the Office of General Counsel to conduct discovery to explore the 2 U.S.C. § 441h theory.

Commissioners Thomas and Toner voted affirmatively for the motion.

Commissioners Mason, McDonald, Smith, and Weintraub dissented.

Attest:

October 16, 2003
Date

Darlene Harris
Darlene Harris
Deputy Secretary of
the Commission